

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Comments)	
)	GN Docket Nos.
NBP Public Notice #20)	09-47
)	09-51
Moving Toward a Digital Democracy)	09-137
)	

**COMMENTS OF THE
NATIONAL ASSOCIATION OF COUNTIES (“NACo”)**

INTRODUCTION

The National Association of Counties (“NACo”) submits the following in response to the Commission’s request for comments in the above-referenced matters. NACo is the only national organization that represents county governments in the United States. Founded in 1935, NACo provides essential services to the nation’s 3,066 counties. NACo advances issues with a unified voice before the federal government, improves the public’s understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money.

America’s Counties Want More Broadband

Counties play a major role in the nation’s communications system as regulators, service providers, and consumers of communications services. As such, county officials have a responsibility to ensure that the public’s interest is being served by the nation’s communications providers. NACo believes that widespread broadband deployment and adoption leads to

increased economic development and allows citizens to take full advantage of such services as telemedicine, telework, and distance learning. Furthermore, evolving technologies have created exciting opportunities for counties to provide timely, effective, and cost efficient services to our residents. For example, broadband permits the remote reading of utility and parking meters. It enhances public safety communications and permits improved traffic management. And it allows live webcasts of council and committee meetings. In short, broadband usage allows local governments to provide more services for less cost.

This is why NACo has made repeated calls for increased broadband deployment and adoption, especially in the more rural and under-served areas of the country. In fact, NACo supports legislation that would provide tax credits to telecommunications providers that develop broadband in rural and under-served communities. NACo also supports initiatives that would broaden eligibility and provide additional federal agency loan authority or extension of credit to telecommunications providers that deploy broadband in rural communities. Most recently, NACo has called on the federal agencies distributing broadband funding included in the American Recovery and Reinvestment Act (“ARRA”) to expressly require that broadband awareness, adoption, use, and digital literacy programs receive funding priority.

Broadband and the Elections Process

The constitutional responsibility for the proper conduct of elections rests with state and county governments and state and county officials have proven to be excellent stewards of the election process. As broadband deployment and adoption have grown, election officials have seen how advanced technologies can complement and, in some instances, improve the voting process. In comments filed earlier this year, NACo underscored the vital role that broadband can play in advancing “civil participation” by stating that “the use of broadband networks at the local

level has set in motion a dynamic process that is dramatically enhancing the relationship between local governments and the residents they serve.”¹ For example, local governments routinely permit voters to download voter registration forms, absentee ballot requests, and voter pamphlets.

But NACo’s enthusiastic support for bringing new and emerging broadband technology to all Americans does not extend to the imposition of nationwide, unfunded mandates on how local governments must make use of such technology and what voting services it must offer online. While we appreciate the Commission’s interest in seeking comments on how broadband technology can bring democratic processes into the digital age, we strongly urge the Commission to reject any inclination to include, as part of the National Broadband Band, any proposal that in any way seeks to impose a one-size-fits-all plan for the mandatory use of broadband in the elections arena.

Rather, any recommendations to Congress on this issue must keep in mind the following principles:

1. The adoption of any proposed elections-related process or program must be *optional* for state and local governments;
2. Adequate funding must be made available for initial installation and ongoing maintenance; and
3. Any proposed elections-related process or program must be adaptable to state-specific requirements and restrictions and may not be deemed as the exclusive vehicle by which a particular elections procedure may be accomplished.

With these concepts in mind, NACo offers the following comments.

Online Voter Registration

One area of inquiry posed by the Commission concerns online voter registration and its attendant issues. Many jurisdictions across the country currently permit citizens to download voter registration forms that, upon completion and signing, must be mailed to the appropriate

¹ See NATOA et al. Comments, GN Docket Nos. 09-47, 09-51, and 09-137 (filed November 11, 2009), at 4.

state or local elections official. However, few jurisdictions permit citizens to fully complete and submit a voter registration application online. Arizona became the first state to offer such a service in 2003; Washington began doing so in 2008; and Kansas joined this select group in 2009. But even though online registration has the potential to save state and local governments both time and money,² significant concerns remain that deter other jurisdictions from jumping on the bandwagon. Among these concerns are cost, privacy, and security.

Funding for an online registration system, including initial setup and ongoing maintenance, remains a major concern for many jurisdictions. Indeed, even in areas where broadband is widely available, jurisdictions may lack the funds necessary to upgrade their systems and to provide the security necessary to make online registration secure.

But even if funding issues can be adequately addressed, security remains a serious concern for many jurisdictions and the potential for voter registration fraud cannot be discounted. For this reason, the states that have adopted complete online registration require applicants to have a state-issued driver's license or identification card on file that contains the applicant's signature. While this may help protect against fraud, it will prevent some citizens from using the service.³

Privacy concerns must also be addressed, especially how to insure voter anonymity. In 2004, the Department of Defense canceled an experiment using an Internet-based voting program – the Secure Electronic Registration and Voting Experiment (“SERVE”) – in part

² In Arizona, it is estimated that the average cost of processing a paper voter registration form is 83 cents versus 3 cents for an online application. See Brennan Center for Justice, Preliminary Report, *Modernizing Ohio's System for Registering Voters: Automatic and Online Registration*, November 5, 2009, at 14, available at: http://brennan.3cdn.net/8d45a70b6795a45101_4lm6bn9qi.pdf.

³ This restriction emphasizes that complete online voter registration must be offered as an alternative along with other means of registration, including mailed-in paper applications.

because of concerns of “voter anonymity being compromised or hackers intercepting and manipulating ballots sent over the Internet.”⁴

Clearly, broadband has a role to play in voter registration efforts and online registration could surely benefit those who must travel long distances, such as people in rural and Tribal areas, and those who have difficulty in traveling, such as the elderly or disabled. However, widespread use of online voter registration will necessarily be dependent on widespread availability of broadband services at affordable prices.

Online Voting

Many believe that online voting is coming – the only question is when. However, significant concerns with security and privacy exist and must be resolved before routine online voting will be an acceptable alternative to the American public.⁵ But this should in no way discourage the Commission in fashioning its national broadband plan. The goal of the plan should first be to encourage nationwide deployment and adoption of broadband – applications of the technology in the area of civic participation will necessarily follow.

Online Government Hearings and Town Hall Meetings

Millions of Americans currently have the ability to view local, state, and federal government meetings and hearings online. The ability to view such programming only serves to better educate our society on the role that government plays in our everyday lives and to bring more transparency to the actions taken by our elected officials. As broadband becomes more readily available in under-served and un-served areas, citizen demand for such programming will

⁴ Bonsor, Kevin and Jonathan Strickland, “How E-voting Works,” HowStuffWorks, March 12, 2007. Available at: <http://www.howstuffworks.com/e-voting.htm#>.

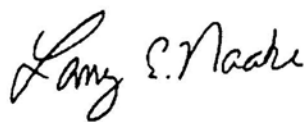
⁵ *Id.*

naturally increase - the one caveat being that such services will be dependent on the availability of sufficient funding.⁶

CONCLUSION

Efforts to incorporate provisions in the National Broadband Plan to increase civic participation and to bring democratic processes into the digital age are commendable. However, the overriding goal of the plan should be to increase broadband deployment and adoption. Ubiquitous broadband service will bring with it the demand for increased civic-oriented services, such as online voter registration and voting. The Commission must be mindful that it does not place the cart before the horse. Any efforts to include in its plan specific recommendations on elections-related uses of broadband must bear in mind that some citizens will be disenfranchised due to the unavailability of broadband in their communities. Any recommendations must remain flexible and adaptable to specific state and local needs.

Respectfully submitted,



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⁶ Until there is universal broadband deployment and adoption and such programming is readily available, it is important to emphasize the continued need and justification for public, educational, and government ("PEG") channel funding. These channels, often carried pursuant to negotiated video franchising agreements, provide coverage of local government meetings and hearings to citizens across the country.